

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOSHUA JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-17-560-D
)	
JOSHUA JOHNSON,)	
)	
Defendant.)	

ORDER

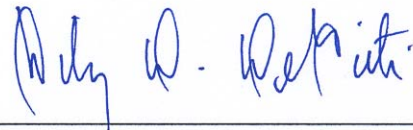
This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Purcell recommends upon initial screening of the Complaint and the Amended Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b), that this civil rights action under 42 U.S.C. § 1983 should be dismissed for failure to state a claim upon which relief can be granted.

The Court acting *sua sponte* on August 22, 2017, granted an extension of time until September 11, 2017, for Plaintiff to file an objection. To date, Plaintiff has neither filed a timely objection nor requested additional time to object, although he was expressly advised of his right to object and was given notice of the waiver rule. Under the circumstances shown by the case record, the Court finds that Plaintiff has waived further judicial review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, for

the reasons fully explained by Judge Purcell, the Court finds that a dismissal of the action upon filing pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b) is warranted.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 14] is ADOPTED in its entirety. This action is DISMISSED without prejudice to a future filing, and the dismissal shall count as one “prior occasion” or “strike” pursuant to 28 U.S.C. § 1915(g). A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 27th day of September, 2017.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE